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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/674,801	09/30/2003	Kerry Sellen	1DATA.112A	3680
20995	7590	10/19/2005	EXAMINER	
KNOBBE MARTENS OLSON & BEAR LLP			LE, UYEN CHAU N	
2040 MAIN STREET			ART UNIT	
FOURTEENTH FLOOR			PAPER NUMBER	
IRVINE, CA 92614			2876	

DATE MAILED: 10/19/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/674,801	<b>Applicant(s)</b> SELLEN ET AL	
	<b>Examiner</b> Uyen-Chau N. Le	<b>Art Unit</b> 2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 03 October 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 4-9, 13-23, 25, 28-32, 35-40, 44-48, 50-57, 59-63, 65-68 and 74-77 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 4-9, 13-23, 25, 28-32, 35-40, 44-48, 50-57, 59-63, 65-68 and 74-77 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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**DETAILED ACTION**

***Prelim. Amdt/Amendment***

1. Receipt is acknowledged of the Amendment filed 03 October 2005.

***Allowable Subject Matter***

2. The indicated allowability of claims 4, 13, 27, 43, 58 and 73 is withdrawn in view of the newly discovered reference(s) to Repak (US 2003/0229586 A1). Rejections based on the newly cited reference(s) follow. This Office Action is therefore made NON-FINAL.

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a),

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the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 4, 8, 9, 13, 17-23, 25, 31, 32, 35-40, 47, 48, 50-57, 62, 63, 65-68 and 77 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koakutsu (US 6,902,105) in view of Repak (US 2003/0229586 A1).

Re claims 4, 8, 9, 13, 17-23, 25, 31, 32, 35-40, 47, 48, 50-57, 62, 63, 65-68 and 77: Koakutsu discloses a method of electronically processing a check at a merchant location, the method comprising: scanning the check to obtain information about the check that facilitates electronic processing of the check wherein the information about the check includes a magnetic ink character recognition (MICR) line imprinted on the check; determining whether the check is a corporate check or a non-corporate check based on the presence or absence of an auxiliary on-us field on the MICR line; denoting the information

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about the check to allow processing as a corporate check transaction if the auxiliary on-us field is present; wherein determining whether the check is a corporate check or a non-corporate check comprises determining whether the auxiliary on-us field is present on the left side of the check's transit field; wherein obtaining information about the check transaction comprises scanning the check; wherein scanning the check includes reading a magnetic ink character recognition (MICR) line imprinted on the check; wherein determining whether the check transaction is a corporate or non-corporate check transaction comprises determining the presence or absence of an auxiliary on-us field on the MICR line wherein the presence of the auxiliary on-us field is indicative of a corporate check transaction; wherein the field comprises an auxiliary on-us field on a magnetic ink character recognition (MICR) line associated with the corporate check transaction (col. 6, line 59 through col. 12, line 45).

Koakutsu is silent with respect to allows the check processing service to process the check as a cash concentration disbursement (CCD) transaction via an automated clearing house (ACH) if the check is a corporate check.

Repak teaches an Automated Clearing House (ACH) file 135 typically comprises a standard entry class (SEC) code including

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CCD (cash concentration and disbursement) used for corporate payment applications that provide the ability to collect and disburse funds and information between companies, CTX (commercial trade exchange) used for corporate payment applications originated by an Originator to pay or collect an obligation of such Originator and destined for the account of another organization (paragraphs [0006] and [0021]).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate the cash concentration and disbursement method of Repak into the system as taught by Koakutsu in order to provide Koakutsu with a time consumption system wherein in no further action is required (e.g., generating a credit reversal and posted to the account for authorization), thus the user can get the cash instantaneously.

3. Claims 5-7, 14-16, 28-30, 44-46, 59-61 and 74-76 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koakutsu as modified by Repak as applied to claims 4, 13, 19, 32, 48 and 63 above, and further in view of Templeton et al (US 2003/0130919). The teachings of Koakutsu as modified by Repak have been discussed above.

Re claims 5-7, 14-16, 28-30, 44-46, 59-61 and 74-76: Koakutsu/Repak has been discussed above but is silent with

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respect to the processing service performs a risk assessment of the check based at least partly on the information about, the check to determine, whether to authorize or decline the check; wherein the processing service determines whether to authorize or decline the check based at least partly on a type of service subscribed by the merchant; wherein the processing service guarantees the check it authorizes or purchases the check from the merchant thereby assuming a risk associated with the scanned check; respectively.

Templeton et al teaches a processing service performs a risk assessment of the check based at least partly on the information about, the check to determine, whether to authorize or decline the check; wherein the processing service determines whether to authorize or decline the check based at least partly on a type of service subscribed by the merchant; wherein the processing service guarantees the check it authorizes or purchases the check from the merchant thereby assuming a risk associated with the scanned check (fig. 2; paragraphs [0025], [0032] and [0040]).

It would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to incorporate the teachings of Templeton et al into the system as taught by Koakutsu/Repak in order to provide Koakutsu/Repak with a more

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secure system in which risk assessment system is capable of making a more complete and accurate evaluation of whether to approve or decline a check transaction (i.e., the preferred risk assessment system uses a profitability coring model to evaluate the overall profitability of a transaction and utilizes the result as a key indicator in determining whether to approve or decline a transaction), and therefore an obvious expedient.

#### ***Response to Arguments***

4. Applicant's arguments with respect to claims 4-9, 13-23, 25, 28-32, 35-40, 44-48, 50-57, 59-63, 65-68 and 74-77 have been considered but are moot in view of the new ground(s) of rejection.

Newly cited reference to Repak has been used in the new ground of rejection to further meet the limitation of the claimed invention.

#### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Uyen-Chau N. Le whose telephone number is 571-272-2397. The examiner can normally be reached on First Monday 5:30AM-1:30PM and Tues-Fri 5:30AM-3PM.



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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on 571-272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Uyen-Chau N. Le  
Examiner  
Art Unit 2876

October 14, 2005